

From: [Joseph Bell](#)
To: [Philip Allen/R6/USEPA/US@EPA](#)
Cc: [Jon Rauscher/R6/USEPA/US@EPA](#); [Philip Turner/R6/USEPA/US@EPA](#); [Chris Siegel](#); [Danielle Sattman](#); [Linda Broach](#); [Maureen Hatfield](#); [Vickie Reat](#)
Subject: Groundwater to Sediment Pathway Issue - Patrick Bayou
Date: 07/20/2009 01:21 PM

Phil,

Per our discussion last week, the TCEQ desires that the following communication be submitted to the JDG regarding the groundwater to sediment exposure pathway. We respectfully request that you forward this E-mail to the JDG and seek their comments, copying all relevant parties in the process. Though TCEQ is initiating this discussion, we expect that EPA will want to coordinate with the JDG as the lead Agency for the site. Therefore, after consultation with the JDG, please advise us as soon as possible of a date in early August that we may discuss this issue. Thank you in advance for your help in this matter.

To the JDG:

The TCEQ is currently in the process of evaluating a screening level risk assessment for groundwater releases to Patrick Bayou for the Lubrizol Corporation, Deer Park facility. This risk assessment is part of the May 2009 APAR submitted by Lubrizol. This SLERA does not address potential risks associated with the groundwater-to-sediment pathway. In reviewing this risk assessment, TCEQ perceives that there is a disconnect between the individual site TRRP evaluations and the NPL process. We believe that this gap exists because there is no clear demarcation between the assessment activities associated with the individual TRRP evaluations, and those associated with the NPL process - for the groundwater-to-sediment pathway in particular.

I have attached draft TCEQ comments regarding our review of the Lubrizol SLERA. These comments were developed by Vickie Reat of the TCEQ Technical Support Section and are specific to the sediment and related cross-media assessment pathways. Similar comments or directives could be drafted for the other facilities (e.g., Shell Oil and Occidental Chemical) bordering Patrick Bayou as they complete their TRRP evaluations. I am sending you our draft comments so that the JDG can be aware of TCEQ's concern regarding this perceived disconnect. We will be sending comments to Lubrizol regarding our review of the SLERA in the near future. However, we would like to give the JDG and their representatives opportunity to review and discuss these proposed comments before final submittal to Lubrizol. Timing is critical as TCEQ must respond to this submittal in the near future, and more importantly, the JDG is in the final stages of planning the ecological risk assessment for Patrick Bayou. Regarding this timing, both Lubrizol and Shell Oil have begun the process of evaluating relevant exposure pathways for Patrick Bayou receptors. However, to our knowledge, similar measures are lacking for Occidental Chemical. It may be necessary to rapidly implement necessary assessment and reporting measures for that facility.

We invite the JDG and their representatives to participate in a meeting or conference call with TCEQ and U.S. EPA representatives sometime during the first 2 weeks of August, to discuss this matter. TCEQ will finalize our comments regarding the Lubrizol ecological risk assessment, pending results of this discussion. TCEQ recognizes that the JDG has been very diligent in seeking out agency input. Specifically, we believe that issues related to the pending ecological risk assessment have been resolved in a collaborative manner. As such, TCEQ desires a collective discussion of this matter before specifically commenting on the Lubrizol document. The TCEQ has previously questioned the roles of the NPL process and the individual TRRP programs as they relate to the groundwater-to-sediment pathway specifically. Feedback on this matter (see draft Lubrizol comments), has been general. This particular risk assessment begs the question since the groundwater-to-sediment pathway was not addressed in the SLERA currently under review, and the text defers to the NPL process for that portion of Patrick Bayou downstream from Lubrizol.